

GENERAL REPORT  
OF THE JOINT  
LEGISLATIVE COUNCIL  
TO THE  
2001-02 LEGISLATURE



Arts Funding  
Condominium Law Review  
Dental Care Access  
Developmental Disabilities  
Guardians Ad Litem in Actions Affecting the Family  
Labor Shortage  
Law Revision Committee  
Navigable Waters Recodification  
Recodification of Operating While Intoxicated and  
Safety Laws Pertaining to Motor Vehicle, All-Terrain  
Vehicle, Boat or Snowmobile Operation  
State-Tribal Relations  
Use of Prescription Drugs for Children

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Wisconsin Legislative Council  
One East Main Street, Suite 401  
Madison, Wisconsin  
October 2002

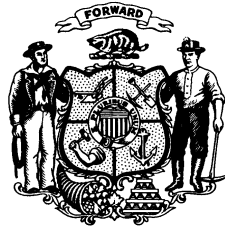
*[Copies of this report are available at <http://www.legis.state.wi.us/lc.>]*



*Co-Chairs*

**FRED A. RISSER**  
President, State Senate

**KITTY RHOADES**  
Representative, State Assembly



**LEGISLATIVE COUNCIL STAFF**  
**Terry C. Anderson**  
*Director*  
**Laura D. Rose**  
*Deputy Director*

October 2002

To the Honorable,  
Governor Scott McCallum  
and the Members of the  
2001 Wisconsin Legislature:

We are pleased to submit this *General Report* of the Joint Legislative Council. This General Report summarizes the work of the Joint Legislative Council and its committees during the period from July 1, 2000 to June 30, 2002. These committees were established to examine major issues and problems identified by the Council or referred to the Council.

Sincerely,

---

Senator Fred A. Risser  
Co-Chair  
Joint Legislative Council

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Representative Kitty Rhoades  
Co-Chair  
Joint Legislative Council



STATE OF WISCONSIN  
JOINT LEGISLATIVE COUNCIL

GENERAL REPORT  
OF THE  
JOINT LEGISLATIVE COUNCIL  
TO THE  
2001-02  
LEGISLATURE

OCTOBER 2002



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s. 13.81, Stats.

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This 22-member committee consists of the majority and minority party leadership of both houses of the Legislature, the co-chairs and ranking minority members of the Joint Committee on Finance, and 5 Senators and 5 Representatives appointed as are members of standing committees.

*Terry C. Anderson, Director*  
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## **PREFACE**

This **General Report** of the Joint Legislative Council to the 2001-02 Legislature is prepared pursuant to s. 13.81 (3) of the Wisconsin Statutes. It summarizes the work of the Joint Legislative Council from July 1, 2000 to June 30, 2002 and of those statutory and special study committees established by the Council to report to the 2001-02 Legislature.

The Joint Legislative Council continued two statutory committees and established 12 special committees to conduct various studies and to make reports to the 2001-02 Legislature. [See list on pages 1 and 2 of Part I.]

As of June 30, 2002, the following 16 reports containing the recommendations of study committees were submitted to the 2001-02 Legislature dealing with the substantive issues considered by these committees. These reports are listed below. Copies may be obtained from the Legislative Council staff offices or Web site (<http://www.legis.state.wi.us/lc>).

- RL 2001-01            Legislation on Recodification of Operating While Intoxicated and Safety Laws Pertaining to Motor Vehicle, All-Terrain Vehicle, Boat or Snowmobile Operation (2001 Assembly Bills 667, 668, 669, and 670; and 2001 Senate Bills 335, 336, 337, and 338)
- RL 2001-02            Legislation on Arts Funding (2001 Senate Bills 164 and 165)
- RL 2001-03            Legislation Recommended by the Special Committee on State-Tribal Relations (2001 Assembly Bill 223)
- RL 2001-04            Legislation and Petition to Wisconsin Supreme Court on Guardians Ad Litem in Actions Affecting the Family (2001 Senate Bill 126)
- RL 2001-05            Legislation on Dental Care Access (2001 Senate Bills 166 and 167; and 2001 Assembly Bills 366 and 367)
- RL 2001-06            Legislation Recommended by the Special Committee on the Historic Building Code (2001 Assembly Bills 276 and 277; 2001 Senate Bills 122 and 123; and 2001 Assembly Joint Resolution 51 and 2001 Senate Joint Resolution 30)\*
- RL 2001-07            Legislation on Developmental Disabilities (2001 Senate Bill 231 and 2001 Assembly Bill 473)
- RL 2001-08            Legislation Recommended by the Special Committee on Labor Shortage (2001 Senate Bill 249; 2001 Assembly Bill 516; and 2001 Senate Joint Resolution 41 and 2001 Assembly Joint Resolution 57)
- RL 2001-09            Legislation on Conservation Laws Enforcement (2001 Assembly Bills 300 and 301)\*

RL 2001-10	Legislation Recommended by the Special Committee on Use of Prescription Drugs for Children (2001 Assembly Bill 672)
RL 2001-11	Legislation on Discipline of Health Care Professionals (2001 Senate Bills 139 and 140)*
RL 2001-12	Legislation Recommended by the Special Committee on Condominium Law Review (2001 Assembly Bill 781 and 2001 Senate Bill 412)
RL 2001-13	Legislation Recommended by the Special Committee on Navigable Waters Recodification (WLC: 0243/1)
RL 2001-14	Legislation Recommended by the Special Committee on State-Tribal Relations (2001 Assembly Joint Resolutions 90 and 91; and 2001 Assembly Bills 771, 772, and 773)
RL 2001-15	Legislation on Developmental Disabilities (2001 Senate Bill 289 and 2001 Assembly Bill 590)
RL 2001-16	Legislation on Developmental Disabilities (2001 Senate Bill 346 and 2001 Assembly Bill 671)

\*These reports describe bills introduced by the Joint Legislative Council in the 2001-02 Legislative Session based on recommendations of study committees that completed their work before that session.

The Council's Law Revision Committee does not report to the Council; rather, it introduces its legislation separately. This **General Report** is organized into the following parts:

**Part I** describes the Joint Legislative Council, and particularly the activities of the 2000-02 Council.

**Part II** contains a list of, and briefly describes the work of, each of the Council's committees as well as Joint Legislative Council and legislative actions on the committee recommendations.

The **Appendix** lists the members of study committees that were established during the period covered by this report.

Complete information on each study committee is available at the Council's website: <http://www.legis.state.wi.us/lc/2000studies.htm>.

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PART I

WORK OF THE 2000-02 JOINT LEGISLATIVE COUNCIL



## **WORK OF THE 2000-02 JOINT LEGISLATIVE COUNCIL**

The Joint Legislative Council held eight meetings between July 1, 2000 and June 30, 2002 (the period covered by this report) on the following dates:

March 14, 2001	January 30, 2002
May 15, 2001	February 13, 2002
June 27, 2001	March 6, 2002
October 31, 2001	April 24, 2002

The proposals introduced by the Joint Legislative Council and the Law Revision Committee are discussed in Part II of this report.

### **Council Study Committees**

During the period covered by this report, the Council functioned with two statutory committees and nine special committees that were established to report to the 2001-02 Joint Legislative Council. [The Council voted to establish the Special Committee on Special Education, but did not appoint the membership of the committee.]

The statutory committees were:

- Law Revision Committee
- State-Tribal Relations

The special committees that the Council created to report to the 2001-02 Council were:

- Arts Funding
- Condominium Law Review
- Dental Care Access
- Developmental Disabilities
- Guardians Ad Litem in Actions Affecting the Family
- Labor Shortage
- Navigable Waters Recodification
- Recodification of Operating While Intoxicated and Safety Laws Pertaining to Motor Vehicle, All-Terrain Vehicle, Boat or Snowmobile Operation
- Use of Prescription Drugs for Children

### **Organization and Activities of the Joint Legislative Council**

The Joint Legislative Council is a body composed of 22 Legislators, 11 from the Senate and 11 from the Assembly. Twelve of these members are *ex officio*--that is, they serve on the Council because of their positions as legislative leaders--and are the following: the Speaker of the Assembly, the President of the Senate, the Speaker Pro Tempore of the Assembly, President Pro Tempore of the Senate, the Assembly and Senate Majority and Minority Leaders, the two Co-Chairs of the Joint Committee on Finance, and the ranking minority member of the Joint Committee on Finance from each house. The other 10 members are appointed as are members of standing committees; five are appointed by the Chair of the Senate Committee on Organization and five by the Speaker of the Assembly. [s. 13.81 (1), Stats.]

The Joint Legislative Council works through a committee system during the recess periods of the Legislature. The Council determines which studies will be conducted and assigns these studies to particular committees created by the Council for these committees' review, study, and recommendations. These studies generally are of four types:

1. Intensive examination of problems that are expected to confront a succeeding Legislature.
2. Review of controversial subjects that were unresolved by the previous Legislature.
3. Major codifications and revisions of portions of the law.
4. Methods of improving the operation and effectiveness of state agencies.

There are two continuing Council committees currently required by statute [s. 13.83, Stats.]: the State-Tribal Relations Committee and the Law Revision Committee.

Under s. 13.82 (1), Stats., all studies or investigations that are proposed by the Legislature to be conducted are referred to the Council. Individual Legislators and others often request, by letter, that a particular study be undertaken. Also, the Council is given specific statutory authority to initiate such studies as it feels will be of value to the citizens of the state. The Council determines which of the studies will be conducted, based on its judgment of which studies should have priority within the limits of the Council appropriation and staff resources.

The end result of this study activity is the submission by the committees of reports and, in almost all cases, implementing legislation to the Joint Legislative Council. The Council reviews the legislative proposals and introduces in the Legislature those it approves by a majority of the membership of the Council (12 votes).

### **Operation of Council Staff**

The Joint Legislative Council and the Council's study committees are staffed by a central nonpartisan legislative service agency. The Legislative Council staff serves in the unclassified service. As of June 30, 2002, the Council staff included, in addition to the Director, 16 attorneys, three analysts, and nine fiscal and support staff.



The basic duties of the staff include:

1. To provide legal, scientific and policy research, and administrative-secretarial services for the Council and its committees.
2. To provide legal, scientific and policy research, and analysis services for the Legislature's substantive standing committees and joint committees.
3. To provide legal, scientific, and policy research services for individual Legislators.
4. To serve as the Administrative Rules Clearinghouse for review of all proposed administrative rules.
5. To provide information to the public.

Each of these activities is discussed briefly below.

*Services for the Council and its Committees.* The Council staff provides services for the Joint Legislative Council and its study committees.

*Services for Legislative Committees.* The Council staff provides nonpartisan legal counsel and scientific and policy research for standing committees and their subcommittees, select or special committees of the Legislature and a number of joint statutory committees. The Council staff serves as the secretariat for the Joint Committee on Legislative Organization and for the Joint Committee on Employment Relations. Council staff also provides services to ad hoc or informal legislative study committees.

*Services for Individual Legislators.* Upon request, the Council staff provides legal analysis and other research to individual legislators.

*Administrative Rules Clearinghouse.* Prior to any public hearing on proposed rules, or prior to notification of legislative standing committees if no hearing is required, the agency proposing the rules must submit the proposed rules to the Council staff for review. The Council staff is required to review the proposed rules for various technical requirements, such as legal authority for promulgation of the rules and the form and clarity of the rules. The Council staff may issue advisory recommendations concerning the proposed rules. The Council staff also works with and assists the appropriate standing committees throughout the rule-making process. For additional information, see the Clearinghouse's *Annual Report* to the Legislature. [See s. 227.15, Stats.]

*Services to the Public.* The Council staff is available to answer questions from members of the general public and from research agencies and legislators of other states. Information about the Council staff, as well as publications prepared by the staff, are available at <http://www.legis.state.wi.us/lc>.

*Seminars.* Dr. Sung Won Sohn, Executive Vice President and Chief Economic Officer of Wells Fargo Bank, spoke to the members of the Joint Legislative Council and other interested persons on October 31, 2001, in the State Capitol. He presented a strategic outlook for the Wisconsin economy and a dialog of the role of government in addressing these future issues. The materials he used for his presentation are available on the Council's Web site at <http://www.legis.state.wi.us/lc/2000studies.htm>.

Dr. Harold Hodgkinson, Director of the Center for Demographic Policy, Institute for Education Leadership in Washington, D.C., spoke to the members of the Joint Legislative Council and other interested persons on February 13, 2002, in the State Capitol. He gave a very informative presentation on how demographics affect Wisconsin issues both in the present and future. He shared with the Council several tables and graphs which illustrated how Wisconsin ranks among the other states and explained how many factors affected those rankings (i.e., population, climate, income, etc.). Dr. Hodgkinson presented a similar speech later that day to the Madison Rotary Club. The tape of that presentation can be found on the Council Web site at <http://www.legis.state.wi.us/lc2000studies.htm>.

*Retirements.* Three senior staff attorneys retired during the period covered by this report-- Gordon Anderson, Dan Fernbach, and Shaun Haas.

PART II

JOINT LEGISLATIVE COUNCIL COMMITTEES



## **ARTS FUNDING**

[A summary of the Special Committee's meetings, materials, and membership, as well as the final report for the Special Committee, are available at <http://www.legis.state.wi.us/lc/studies/ARTS/index.htm>.]

### **Summary of Committee Activity**

The Joint Legislative Council established the Special Committee by a May 18, 2000 mail ballot and appointed the co-chairs and members by June 13 and August 14, 2000 mail ballots, respectively. The Special Committee was directed to study state arts funding and to solicit information and develop summaries of funding recommendations made by the arts communities and local governments.

The membership of the Special Committee consisted of 1 Senator, 3 Representatives, and 10 Public Members. A list of the committee membership can be found in the *Appendix* to this report.

The Special Committee held six meetings in Madison (except as otherwise noted) on the following dates:

September 21, 2000	January 23, 2001
October 19, 2000 (Milwaukee)	February 19, 2001
November 15, 2000 (Oshkosh)	
December 18, 2000	

### **Actions of the Joint Legislative Council**

At its March 14, 2001 meeting, the Joint Legislative Council voted to introduce the two bill drafts recommended by the Special Committee:

- 2001 Senate Bill 164, relating to creating an artistic endowment foundation and fund, creating an income tax credit for contributions to the fund, creating a sales tax exemption for sales of tickets and admissions by nonprofit organizations, granting rule-making authority, and making appropriations.
- 2001 Senate Bill 165, relating to special distinguishing registration plates in support of the arts.

### **Actions of the Legislature**

2001 Senate Bills 164 and 165 failed to be enacted into law during the 2001-02 Legislative Session. Provisions of Senate Bill 164 (artistic endowment foundation) were included in 2001 Senate Bill 55 (which became 2001 Wisconsin Act 16, the 2001-03 Biennial Budget Act). Governor McCallum vetoed the provisions relating to tax credits for contributions to the foundation, but retained language creating the foundation.

## **CONDOMINIUM LAW REVIEW**

[A summary of the Special Committee's meetings, materials, and membership, as well as the final report for the Special Committee, are available at <http://www.legis.state.wi.us/lc/studies/CONDO/index.htm>.]

### **Summary of Committee Activity**

The Joint Legislative Council established the Special Committee by a May 18, 2000 mail ballot and appointed the co-chairs and members by June 13 and August 14, 2000 mail ballots, respectively. The Special Committee was directed to study ways to protect the investments of current and future condominium unit owners and ways to facilitate the appropriate development of the condominium form of property ownership. The committee was directed to review all aspects of condominium law, including: the development and establishment of condominiums; the governance of condominium associations, including the establishment of an annual budget and maintenance of reserve funds; the ownership and sale of condominiums; and rental of condominiums. The committee was also directed to study ways to address concerns of local units of government in which condominiums are located.

The membership of the Special Committee consisted of 2 Senators, 4 Representatives, and 10 Public Members. A list of the committee membership can be found in the *Appendix* to this report.

The Special Committee held seven meetings in Madison on the following dates:

September 28, 2000	March 27, 2001
November 16, 2000	October 1, 2001
December 20, 2000	October 22, 2001
February 21, 2001	

The Special Committee's Drafting Subcommittee also met seven times during the course of the study.

### **Actions of the Joint Legislative Council**

At its January 30, 2002 meeting, the Joint Legislative Council voted to introduce the bill draft recommended by the Special Committee and to introduce it as companion bills in both houses of the Legislature, as follows:

- 2001 Assembly Bill 781 and 2001 Senate Bill 412, relating to revisions and additions to condominium law.

### **Actions of the Legislature**

2001 Assembly Bill 781 and 2001 Senate Bill 412 failed to be enacted into law during the 2001-02 Legislative Session.

## **DENTAL CARE ACCESS**

[A summary of the Special Committee's meetings, materials, and membership, as well as the final report for the Special Committee, are available at <http://www.legis.state.wi.us/lc/studies/DCA/index.htm>.]

### **Summary of Committee Activity**

The Joint Legislative Council established the Special Committee by a May 18, 2000 mail ballot and appointed the co-chairs and members by June 13 and August 14, 2000 mail ballots, respectively. The Special Committee was directed to examine ways to increase access to dental care by underserved populations in Wisconsin, particularly those who are enrolled in Medical Assistance (MA) and BadgerCare. The committee was directed to examine the sufficiency of the number of dental care professionals in Wisconsin and the location of their practices; the number of MA, BadgerCare and other low-income persons they serve; ways to increase dental services being provided to underserved populations in Wisconsin; and reimbursement and administrative issues surrounding the provision of dental services under the MA and BadgerCare programs.

The membership of the Special Committee consisted of 3 Senators, 5 Representatives, and 13 Public Members. A list of the committee membership can be found in the *Appendix* to this report.

The Special Committee held seven meetings in Madison on the following dates:

September 5, 2000	December 19, 2000
September 26, 2000	January 16, 2001
October 24, 2000	February 20, 2001
November 28, 2000	

### **Actions of the Joint Legislative Council**

At its March 14, 2001 meeting, the Joint Legislative Council voted to introduce the two bill drafts recommended by the Special Committee and to introduce them as companion bills in both houses of the Legislature. The first set of companion bills incorporated the Special Committee's fiscal recommendations, while the second set of companion bills incorporated the Special Committee's nonfiscal recommendations. The two sets of companion bills introduced by the Joint Legislative Council were as follows:

- 2001 Senate Bill 166 and 2001 Assembly Bill 366, relating to the state contract for dental education; authorizing licensed dental health professional positions in the Department of Health and Family Services (DHFS); funding for dental services at community health centers; grants for community water fluoridation; increasing the MA reimbursement rates for dental services; making topical fluoride varnish a covered service under the early and periodic screening, diagnosis, and treatment program; creating a fluoride varnish education program; reimbursement for dental hygienist services under MA; MA reimbursement for dental cleanings; requiring the exercise of rule-making authority; and making appropriations.

- 2001 Senate Bill 167 and 2001 Assembly Bill 367, relating to regional dental testing service examinations; dentist licenses for individuals licensed in another jurisdiction; the scope of practice of dental hygienists; delegation of dentistry practices to dental hygienists and unlicensed individuals; providing loan assistance to dentists and dental hygienists who practice in underserved areas; requiring the technical college system board to report on community dental health education; requiring the dentistry examining board and the DHFS to prepare a joint report on the ability of the dental work force to meet dental needs; requiring the DHFS to prepare a plan for a comprehensive oral health data collection system; requiring the DHFS to report on prior authorization for dental services under MA; and requiring the DHFS and the Department of Regulation and Licensing to prepare joint reports on improved access to dental services and dental hygiene services.

### *Actions of the Legislature*

2001 Senate Bill 166 and 2001 Assembly Bill 366, as well as 2001 Senate Bill 167 and 2001 Assembly Bill 367, failed to be enacted into law during the 2001-02 Legislative Session.

However, several provisions relating to dental access were included in 2001 Wisconsin Act 16 (the 2001-03 Biennial Budget Act). Those provisions of Act 16 that relate to dental access included the following: (1) increasing the number of Wisconsin residents who qualify for state tuition assistance at the Marquette School of Dentistry from 100 to 160 (i.e., from 25 to 40 per class); (2) including dentists and dental hygienists in two loan programs operated by the Department of Commerce--the Physician Loan Assistance Program (renamed the Physician and Dentist Loan Assistance Program) and the Health Care Provider Loan Assistance Program; (3) providing state general purpose revenue funding for two rural health dental clinics, one in Ladysmith and one in Menomonie; and (4) requiring the Dentistry Examining Board to grant a dental license to a person who is licensed in good standing in another jurisdiction and who has been offered employment as a full-time faculty member at the Marquette School of Dentistry. Such a license may be used to practice dentistry only within educational facilities and only for the purpose of carrying out the licensee's teaching duties.



## **DEVELOPMENTAL DISABILITIES**

[A summary of the Special Committee's meetings, materials, and membership, as well as the final report for the Special Committee, are available at <http://www.legis.state.wi.us/lc/studies/DEVD/index.htm>.]

### **Summary of Committee Activity**

The Joint Legislative Council established the Special Committee and co-chairs by a June 13, 2000 mail ballot and appointed the members by an August 14, 2000 mail ballot. The Special Committee was directed to review funding issues, staffing concerns, and ways to streamline the bureaucracy that provides services to people with developmental disabilities. The study focused on providing opportunities for persons with developmental disabilities to live independently. The committee reviewed the implications of the Olmstead decision.

The membership of the Special Committee consisted of 2 Senators, 2 Representatives, and 9 Public Members. A list of the committee membership can be found in the *Appendix* to this report.

The Special Committee held eight meetings in Madison on the following dates:

October 3, 2000	January 18, 2001
November 17, 2000	February 16, 2001
November 27, 2000	March 19, 2001
December 14, 2000	April 27, 2001

### **Actions of the Joint Legislative Council**

At its May 15, 2001 meeting, the Joint Legislative Council voted to introduce the two bill drafts recommended by the Special Committee and to introduce them as companion bills in both houses of the Legislature. The first set of companion bills incorporated the Special Committee's recommendation to create a task force to develop a plan for the state centers for the developmentally disabled; the second set of companion bills incorporated the Special Committee's nonfiscal recommendations; and the third set of companion bills incorporated the Special Committee's fiscal recommendations. The three sets of companion bills introduced by the Joint Legislative Council were as follows:

- 2001 Senate Bill 231 and 2001 Assembly Bill 473, relating to requiring the creation of a task force to develop a plan for the state centers for the developmentally disabled.
- 2001 Senate Bill 289 and 2001 Assembly Bill 590, relating to adding legislative members to the Council on Developmental Disabilities; requiring the Council on Developmental Disabilities to report annually to the Legislature; expanding eligibility, requiring submission of waiver requests by a specified date, and providing transitional services under a pilot program for long-term care of children with disabilities; requiring the DHFS to develop a plan to administer and fund services for persons with developmental disabilities; and requiring the exercise of rule-making authority.

- 2001 Senate Bill 346 and 2001 Assembly Bill 671, relating to increasing funding for services under the family support program and the respite care program; increasing the daily reimbursement rate for the community integration program for persons with mental retardation; providing funding for MA home and community-based services for persons with developmental disabilities who are on waiting lists for services; requiring the DHFS to establish criteria for distribution of this funding and to develop a plan to eliminate waiting lists for services for persons with developmental disabilities by the end of state fiscal year 2004-05; requiring the Council on Developmental Disabilities to evaluate, and report to the Legislature, the number of persons with developmental disabilities on waiting lists for services at the end of each calendar year; requiring the exercise of rule-making authority; and making appropriations.

### **Actions of the Legislature**

2001 Senate Bill 231 and 2001 Assembly Bill 473, 2001 Senate Bill 289 and 2001 Assembly Bill 590, and 2001 Senate Bill 346 and 2001 Assembly Bill 671, failed to be enacted into law during the 2001-02 Legislative Session.

However, several provisions relating to services for persons with developmental disabilities were included in 2001 Wisconsin Act 16 (the 2001-03 Biennial Budget Act). Those provisions of Act 16 that related to developmental disabilities services included the following: (1) incorporating the brain injury waiver (BIW) program into the community integration IB program (CIP IB) program to provide counties the authority to create additional slots and fund additional expenditures above the state-funded BIW levels and capture additional federal matching funds by providing the nonfederal share of the BIW costs; (2) requiring DHFS to promulgate rules that provide that the written plan of care for MA recipients receiving personal care services must designate an interval for visits to the recipient's home by a registered nurse as part of the review of the plan, based on the individual recipient's needs, with at least one visit in every 12-month period; (3) requiring DHFS to seek a waiver of federal MA statutes and regulations necessary to provide to disabled individuals under 24 years of age, under one program with uniform administration and service delivery, the services available under several MA community-based waiver programs, the family support program and the birth-to-three program; (4) increasing funding for the family support program by \$250,000 in 2001-02 and by \$750,000 in 2002-03; (5) indicating that grants provided in the life-span respite care project are to be provided in subsequent biennia; (6) creating 310 additional slots under the CIP IB program in 2001-02; and (7) increasing the daily rate for the CIP IB program from \$48.33 per day to \$49.67 per day, for both current and new slots.

## **GUARDIANS AD LITEM IN ACTIONS AFFECTING THE FAMILY**

[A summary of the Special Committee's meetings, materials, and membership, as well as the final report for the Special Committee, are available at <http://www.legis.state.wi.us/lc/studies/GAL/index.htm>.]

### **Summary of Committee Activity**

The Joint Legislative Council established the Special Committee by a May 18, 2000 mail ballot and appointed the co-chairs and members by June 13 and August 14, 2000 mail ballots, respectively. The Special Committee was directed to study the guardian ad litem system as it applies to actions affecting the family, including an examination of the appointment, role, supervision, training and compensation of guardians ad litem. The review of the appointment of guardians ad litem was to include the necessity of appointment in contested custody or placement cases and whether professionals with specialized expertise in the emotional and developmental phases and needs of children should be appointed to act as guardians ad litem. The committee was asked to prepare a report of any recommended legislation and petition the Wisconsin Supreme Court to consider rules for the reform of the guardian ad litem system in actions affecting the family based on the committee's recommendations that were more appropriate for supreme court rules.

The membership of the Special Committee consisted of 4 Senators, 3 Representatives, and 12 Public Members. A list of the committee membership can be found in the ***Appendix*** to this report.

The Special Committee held five meetings in Madison on the following dates:

September 13, 2000	December 12, 2000
October 24, 2000	January 12, 2001
November 14, 2000	

### **Actions of the Joint Legislative Council**

At its March 14, 2001 meeting, the Joint Legislative Council voted to introduce the bill draft recommended by the Special Committee:

- 2001 Senate Bill 126, relating to guardians ad litem, parent education and parenting plans in actions affecting the family.

The Joint Legislative Council also voted to approve and send a petition to the Wisconsin Supreme Court to amend rules relating to eligibility for appointment as a guardian ad litem of a minor.

### **Actions of the Legislature**

2001 Senate Bill 126 failed to be enacted into law during the 2001-02 Legislative Session.

The Wisconsin Supreme Court adopted the recommendations in the petition filed by the Joint Legislative Council on December 14, 2001.

## **LABOR SHORTAGE**

[A summary of the Special Committee's meetings, materials, and membership, as well as the final report for the Special Committee, are available at <http://www.legis.state.wi.us/lc/studies/LABOR/index.htm>.]

### **Summary of Committee Activity**

The Joint Legislative Council established the Special Committee by a May 18, 2000 mail ballot. The co-chairs were appointed by a June 13 mail ballot and the members by an October 12, 2000 mail ballot. The Special Committee was directed to: (1) study the labor shortage in Wisconsin, including strategies to eliminate shortages in critical industries and occupations; (2) review the so-called "brain drain" problem and identify ways that Wisconsin can retain college and university graduates as well as recruit workers from other states; and (3) examine the skilled building trades for barriers to minorities entering those trades, the methods by which schools train students for those trades and ways to expand trades-related apprenticeship training opportunities.

The membership of the Special Committee consisted of 3 Senators, 3 Representatives, and 25 Public Members. A list of the committee membership can be found in the *Appendix* to this report.

The Special Committee held 6 meetings in Madison on the following dates:

November 20, 2000	February 12, 2001
December 11, 2000	March 12, 2001
January 22, 2001	April 23, 2001

### **Actions of the Joint Legislative Council**

At its May 15, 2001 meeting, the Joint Legislative Council voted to introduce the two drafts recommended by the Special Committee and to introduce them as companion legislation in both houses of the Legislature. The first set of companion bills incorporated the bulk of the Special Committee's recommendations with respect to the labor shortage, while the second set were resolutions to Congress. The two sets of companion legislation introduced by the Joint Legislative Council were as follows:

- 2001 Senate Bill 249 and Assembly Bill 516, relating to special labor-related reports; training, education, and development zone tax credits; training and education programs; providing an exemption from emergency rule procedures; granting rule-making authority; and making appropriations.
- 2001 Senate Joint Resolution 41 and Assembly Joint Resolution 57, relating to memorializing Congress to study and modify the Social Security earnings limit.

### **Actions of the Legislature**

2001 Senate Bill 249 and Assembly Bill 516 and 2001 Senate Joint Resolution 41 and Assembly Joint Resolution 57 failed to be enacted into law or adopted during the 2001-02 Legislative Session.

However, several provisions originally offered for introduction by the Special Committee were included, in substantial part, in 2001 Wisconsin Act 16 (the 2001-03 Biennial Budget Act). Those provisions related to the creation of the nursing student loan forgiveness program, and the creation of a journey worker credential pilot program in up to three trades, crafts, or businesses.

## **LAW REVISION**

[A summary of the committee's meetings, materials, and membership, as well as the final report for the committee, are available at <http://www.legis.state.wi.us/lc/studies/LRC/index.htm>.]

### **Summary of Committee Activity**

The Law Revision Committee was first created by the Legislative Council at its May 30, 1980 meeting, as a statutory committee of the Council, pursuant to s. 13.83 (1), Stats., as created by Ch. 204, Laws of 1979. The membership of the committee is to be appointed in "each biennium." Members were most recently appointed by a May 16, 2001 mail ballot. The membership of the committee consists of 4 Senators and 4 Representatives. A list of the committee membership can be found in the *Appendix* to this report.

The committee is directed to:

1. Review remedial legislation based on nonsubstantive changes recommended by agencies;
2. Review court decisions and opinions of the Attorney General which state that a statute is unconstitutional, ambiguous, or otherwise in need of revision; and
3. Review correction bills and minor substantive revision bills prepared by the Revisor of Statutes.

The committee is directed to introduce the bills prepared on these subjects directly, not through the Council, into the Legislature.

The committee may recommend to the Council major law revision projects to be undertaken by the Law Revision Committee, a special or permanent Council committee, legislative service agency, or committee of the Legislature.

The committee is also directed to cooperate with the Revisor of Statutes in a 10-year systematic examination of the statutes to identify provisions needing revision and to perform functions relating to interstate compacts and agreements.

The committee's activities for each of these responsibilities are discussed below under the appropriate heading.

During the period covered by this report, the committee held three meetings in Madison on the following dates:

September 18, 2001  
December 11, 2001  
April 30, 2002

The committee also took action by mail ballot, dated December 14, 2001.

**Remedial Legislation and Revisor's Correction and Revision Bills**

<i>Bill Number</i>	<i>Recommended by</i>	<i>Subject Matter</i>	<i>Actions of the Legislature</i>
<b>Remedial Legislation</b>			
A.B. 609	Department of Transportation	Titling of motor vehicles that have been damaged; the sale of a motor vehicle subject to a seizure for a crime related to driving while under the influence of an intoxicant or other drug; displaying the empty weight on the side of certain motor vehicles; vehicle identification numbers for motorcycles; and operating a motor vehicle that is not registered	Failed to pass pursuant to SJR 1
A.B. 617	Department of Administration	Low-income energy assistance and weatherization assistance programs	Failed to pass pursuant to SJR 1
A.B. 655	Department of Health and Family Services	Testing of donors of human ova for the presence of human immunodeficiency virus; membership of the council on developmental disabilities; and changing the term used to describe a residential facility operated by a child welfare agency for the care and maintenance of children	<b>Enacted as 2001 Wisconsin Act 59, effective April 24, 2002</b>
A.B. 751	Department of Commerce	Eliminating the petroleum storage environmental cleanup council	Failed to be concurred in pursuant to SJR 1
A.B. 777	Department of Transportation	Prohibiting the issuance of certificates of title transferring motor vehicle ownership in certain cases involving a refusal to take a test to determine an individual's blood alcohol concentration	Failed to be concurred in pursuant to SJR 1
A.B. 780	Department of Health and Family Services	The regulation of certain sources of ionizing radiation	Failed to be concurred in pursuant to SJR 1
A.B. 807	Department of Financial Institutions	Various changes regarding the department of financial institutions and persons regulated by the department of financial institutions and granting rule-making authority	Failed to be concurred in pursuant to SJR 1
S.B. 288	Higher Educational Aids Board	Administration of student financial aid programs by the higher educational aids board and granting rule-making authority	Failed to be concurred in pursuant to SJR 1
S.B. 302	Department of Public Instruction	Name of the division for libraries and community learning in the department of public instruction and the definition of minority group	<b>Enacted as 2001 Wisconsin Act 48, effective April 17, 2002</b>
S.B. 320	Department of Agriculture, Trade and Consumer Protection	Court procedures and time limits in forfeiture actions related to agriculture, consumer protection, and trade regulation; the date of expiration of fertilizer, soil and plant additive, and commercial feed licenses; and weather modification	Failed to pass pursuant to SJR 1

<i>Bill Number</i>	<i>Recommended by</i>	<i>Subject Matter</i>	<i>Actions of the Legislature</i>
<b>Remedial Legislation (continued)</b>			
S.B. 347	Department of Regulation and Licensing	Eliminating redundancy in statutes pertaining to license renewal requirements; limiting a credential issued by an examining board; use of the term “credential” in the statutes pertaining to the department of regulation and licensing; changing the definition of “licensing” as it relates to administrative procedure; the award of costs in a contested administrative case; persons exempt from regulation as private detectives or private security personnel; and renumbering and creating statutory titles for provisions pertaining to immunity from liability for testimony to the department of regulation and licensing and attached boards, advisory committees to the department of regulation and licensing and attached boards, and cemetery preneed sellers	Failed to be concurred in pursuant to SJR 1
S.B. 430	Ethics Board	Coverage of certain members of district boards of local professional baseball park districts under the code of ethics for local public officials and filing of statements of economic interests by candidates for joint municipal judgeships	Failed to be concurred in pursuant to SJR 1
S.B. 431	Department of Employment Relations	Employment rights of certain employees in the state civil service	Failed to pass pursuant to SJR 1
S.B. 432	Department of Regulation and Licensing	Continuing education requirements for optometrists, physicians, and podiatrists; disciplinary action taken and rosters prepared by the examining board of architects, landscape architects, professional engineers, designers, and land surveyors; private detective and private detective agency licenses and private security permits; and eliminating outdated references to transitional appraiser licenses and to certificates of registration to practice audiology and speech-language pathology	Failed to pass pursuant to SJR 1
S.B. 436	Department of Financial Institutions	Various changes regarding the department of financial institutions and persons regulated by the department of financial institutions and granting rule-making authority	Failed to be concurred in pursuant to SJR 1
S.B. 450	Department of Financial Institutions	Eliminating the Wisconsin credit union savings insurance corporation	Failed to be concurred in pursuant to SJR 1
S.B. 476	Board of Commissioners of Public Lands	The placement in the statutes of certain definitions concerning natural resources and public lands administration	Failed to pass pursuant to SJR 1
<b>Revisor’s Correction Bills</b>			
A.B. 512	Revisor of Statutes	Repealing, consolidating, renumbering, amending and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, anachronisms, conflicts, ambiguities and obsolete provisions, reconciling conflicts and repelling unintended repeals	<b>Enacted as 2001 Wisconsin Act 38, effective January 5, 2002</b>



<i>Bill Number</i>	<i>Recommended by</i>	<i>Subject Matter</i>	<i>Actions of the Legislature</i>
<b>Revisor's Correction Bills (continued)</b>			
A.B. 513	Revisor of Statutes	Repealing, consolidating, renumbering, amending and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, anachronisms, conflicts, ambiguities and obsolete provisions, reconciling conflicts, and repelling unintended repeals	<b>Enacted as 2001 Wisconsin Act 30, effective December 14, 2002</b>
A.B. 514	Revisor of Statutes	Reconciling conflicts and repelling unintended repeals	<b>Enacted as 2001 Wisconsin Act 39, effective January 5, 2002</b>
A.B. 935	Revisor of Statutes	Repealing, consolidating, renumbering, amending, and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, anachronisms, conflicts, ambiguities and obsolete provisions, reconciling conflicts, and repelling unintended repeals	<b>Enacted as 2001 Wisconsin Act 104, effective May 25, 2002, except the treatment of s. 49.45 (2) (a) 3., Stats. takes effect on July 1, 2002, treatment of 49.45 (2) (a) 12. and (b) 9., Stats. takes effect on January 1, 2003 and treatment of s. 77.52 92) (a) 10., Stats. takes effect on August 1, 2002</b>
A.B. 936	Revisor of Statutes	Repealing, consolidating, renumbering, amending, and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, anachronisms, conflicts, ambiguities, and obsolete provisions, reconciling conflicts, and repelling unintended repeals	<b>Enacted as 2001 Wisconsin Act 105, the treatment of ss. 20.024 (1), 29.337 (1) (intro.), 90.21 (2) (a), 95.71 (1) (f), 169.45 (8) (b), 448.015 (1m) and 973.05 (1), Stats. takes effect on January 1, 2003; the treatment of ss. 441.15 (5) (a) (intro.) and 457.02 (6) (b) 1., Stats. takes effect on November 1, 2002; the treatment of ss. 448.51 (1e) and 448.52 (1m) (intro.), Stats., takes effect on April 1, 2004</b>

<i>Bill Number</i>	<i>Recommended by</i>	<i>Subject Matter</i>	<i>Actions of the Legislature</i>
<b><i>Revisor's Correction Bills (continued)</i></b>			
A.B. 937	Revisor of Statutes	Repealing, consolidating, renumbering, amending, and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, anachronisms, conflicts, ambiguities, and obsolete provisions, reconciling conflicts, and repelling unintended repeals	<b>Enacted as 2001 Wisconsin Act 106, effective May 25, 2002</b>
S.B. 367	Revisor of Statutes	Repealing, consolidating, renumbering, amending and revising various provisions of ss. 10.62 to 10.82 of the statutes for the purpose of correcting conflicts between the listings in ss. 10.62 to 10.82 and the substantive statutes to which those sections refer	<b>Enacted as 2001 Wisconsin Act 62, effective April 24, 2002</b>
S.B. 369	Revisor of Statutes	Amending and revising section 409.109 (1) (intro.) of the statutes for the purpose of reconciling conflicts and repelling unintended repeals	<b>Enacted as 2001 Wisconsin Act 64, effective April 24, 2002</b>
<b><i>Revisor's Revision Bills</i></b>			
A.B. 933	Revisor of Statutes	Repealing, consolidating, renumbering, amending, and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, and eliminating defects, anachronisms, conflicts, ambiguities, and obsolete provisions	<b>Enacted as 2001 Wisconsin Act 102, effective May 25, 2002</b>
A.B. 934	Revisor of Statutes	Repealing, consolidating, renumbering, amending, and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, and eliminating defects, anachronisms, conflicts, ambiguities, and obsolete provisions	<b>Enacted as 2001 Wisconsin Act 103, effective September 1, 2002</b>
A.B. 938	Revisor of Statutes	Repealing, consolidating, renumbering, amending and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting, and clarifying references, and eliminating defects, anachronisms, conflicts, ambiguities, and obsolete provisions	<b>Enacted as 2001 Wisconsin Act 107, effective May 25, 2002, except the treatment of s. 441.15 (3) (b), Stats., takes effect on November 1, 2002</b>
S.B. 368	Revisor of Statutes	Numbering unnumbered subchapter titles in the statutes	<b>Enacted as 2001 Wisconsin Act 63, effective April 24, 2002</b>

### **Court Cases and Attorney General Opinions**

As of the date of this report, the Revisor of Statutes has submitted to the Law Revision Committee 119 state and federal court decisions and Attorney General opinions, covering the period from August 1996 to July 2002, holding statutes unconstitutional, ambiguous, or otherwise in need of revision.

The Law Revision Committee has not reviewed the 30 items covering the period from August 1996 to November 1998 contained in the 1998 case and opinion review, Discussion Paper 01-1, *Law Revision Committee: Case and Opinion Review*, dated November 27, 2001.

In a letter dated July 24, 2000, the Revisor of Statutes submitted 50 state and federal court decisions and Attorney General opinions items holding statutes unconstitutional, ambiguous, or otherwise in need of revision to the Law Revision Committee. These items cover the period from December 1998 to July 2000, and will be summarized in a 2000 report to the Law Revision Committee.

In a letter dated July 29, 2002, the Revisor of Statutes submitted 39 state and federal court decisions and Attorney General opinions items holding statutes unconstitutional, ambiguous, or otherwise in need of revision to the Law Revision Committee. These items cover the period from July 2000 to July 2002, and will be summarized in the 2002 report to the Law Revision Committee.

There were no case and opinion bills introduced in the 2001-03 Legislative Session.

## **NAVIGABLE WATERS RECODIFICATION**

[A summary of the Special Committee's meetings, materials, and membership, as well as the final report for the Special Committee, are available at <http://www.legis.state.wi.us/lc/studies/NAV/index.htm>.]

### **Summary of Committee Activity**

The Joint Legislative Council established the Special Committee and co-chairs by a June 13, 2000 mail ballot and appointed the members by an August 14, 2000 mail ballot. The Special Committee was directed to conduct a recodification and review of ch. 30, Stats., in order to update language and make technical corrections to the chapter. The committee was also authorized to advise the Council of any substantive policy questions requiring further review.

The membership of the Special Committee consisted of 2 Senators, 5 Representatives, and 9 Public Members. A list of the committee membership can be found in the *Appendix* to this report.

The Special Committee held 14 meetings in Madison on the following dates:

September 21, 2000	June 4, 2001
October 24, 2000	July 9, 2001
November 29, 2000	August 27, 2001
December 21, 2000	September 25, 2001
February 7, 2001	October 17, 2001
March 23, 2001	November 13, 2001
April 20, 2001	January 8, 2002

### **Actions of the Joint Legislative Council**

At the January 30, 2002 meeting, the co-chairs of the Special Committee on Navigable Waters Recodification, Representative Gunderson and Senator Baumgart, presented the report of the Special Committee and described WLC: 0243/1, the Special Committee's recommendation for a bill draft to recodify ch. 30, Stats. After an extensive discussion of this bill draft, the Special Committee co-chairs asked that the vote on this draft be deferred to a later meeting. Joint Legislative Council Co-Chairs Risser and Rhoades deferred action on the proposed draft until the March 6 meeting.

At its March 6, 2002 meeting, the Joint Legislative Council voted to introduce the bill draft recommended by the Special Committee.

### **Actions of the Legislature**

The Legislature adjourned at the conclusion of the 2001-02 Legislative Session before a bill draft could be prepared by the Legislative Reference Bureau.

## **RECODIFICATION OF OPERATING WHILE INTOXICATED AND SAFETY LAWS PERTAINING TO MOTOR VEHICLE, ALL-TERRAIN VEHICLE, BOAT OR SNOWMOBILE OPERATION**

[A summary of the Special Committee's meetings, materials, and membership, as well as the final report for the Special Committee, are available at <http://www.legis.state.wi.us/lc/studies/OWI/index.htm>.]

### **Summary of Committee Activity**

The Joint Legislative Council established the Special Committee by a May 18, 2000 mail ballot and appointed the co-chairs and members by June 13 and August 14, 2000 mail ballots, respectively. The Special Committee was directed to study current statutes relating to operating a vehicle while under the influence of an intoxicant or drugs. The committee was to reorganize, simplify, modernize, and clarify these statutes and make minor substantive changes necessary to effect these goals. In addition, the committee was directed to study, with respect to an all-terrain vehicle, a boat or a snowmobile, whether enforcement mechanisms need to be increased or created to ensure compliance with the law.

The membership of the Special Committee consisted of 2 Senators, 7 Representatives, and 10 Public Members. A list of the committee membership can be found in the *Appendix* to this report.

The Special Committee held four meetings in Madison on the following dates:

September 27, 2000	December 21, 2000
November 21, 2000	February 6, 2001

### **Actions of the Joint Legislative Council**

At its March 14, 2001 meeting, the Joint Legislative Council voted to introduce the four bill drafts recommended by the Special Committee and introduced them as companion bills in both houses of the Legislature. The four sets of companion bills introduced by the Joint Legislative Council were as follows:

- Assembly Bill 667 and Senate Bill 335, relating to the intoxicated operation of an all-terrain vehicle, motorboat or snowmobile.
- Assembly Bill 668 and Senate Bill 336, relating to safety training for all-terrain vehicle and motorboat operation.
- Assembly Bill 669 and Senate Bill 337, relating to requiring that personal flotation devices be worn by certain underaged persons in certain boats.
- Assembly Bill 670 and Senate Bill 338, relating to intoxicated operation of a motor vehicle and providing a penalty.

### **Actions of the Legislature**

None of the bills introduced by the Joint Legislative Council on the recommendation of the Special Committee were enacted into law during the 2001-02 Legislative Session.

## **STATE-TRIBAL RELATIONS**

[A summary of the Special Committee's meetings, materials, and membership, as well as the final reports for the Special Committee, are available at <http://www.legis.state.wi.us/lc/studies/STR/index.htm>.]

### **Summary of Committee Activity**

The Special Committee on State-Tribal Relations is a permanent committee of the Joint Legislative Council established under s. 13.83 (3), Stats. The committee is directed by statute to:

. . . study issues related to American Indians and the American Indian tribes and bands in this state and develop specific recommendations and legislative proposals relating to these issues.

The membership of the committee, appointed by the Joint Legislative Council, consists of not fewer than 6 nor more than 12 legislator members of the Senate and Assembly, including at least one member of the majority party and at least one member of the minority party from each house, and not fewer than 6 nor more than 11 members selected from names submitted by the federally recognized American Indian tribes and bands in this state or the Great Lakes Inter-Tribal Council (GLITC). The committee is assisted by a Technical Advisory Committee (TAC) composed of a representative of each of the following state departments: Health and Family Services; Workforce Development; Justice; Natural Resources; Public Instruction; Revenue; and Transportation. A list of the committee membership and the TAC membership can be found in the *Appendix* to this report.

The Special Committee held nine meetings during the period covered by this report on the following dates at the locations indicated:

October 17, 2000 (State Capitol)  
November 15, 2000 (Ho-Chunk Casino, Hotel and Convention Center, Baraboo)  
December 14, 2000 (Lac du Flambeau Indian Reservation)  
March 12, 2001 (State Capitol)  
April 27, 2001 (Oneida Indian Reservation)  
June 11, 2001 (Menominee Indian Reservation)  
September 10, 2001 (Red Cliff Indian Reservation)  
October 15, 2001 (State Capitol)  
November 13, 2001 (Stockbridge-Munsee Indian Reservation)

### **Actions of the Joint Legislative Council**

At its March 14, 2001 meeting, the Joint Legislative Council voted to introduce one bill recommended by the Special Committee:

- 2001 Assembly Bill 223, relating to tribal administration of rehabilitation reviews for persons who otherwise may not operate, be employed at, contract with, or reside at an entity that provides care for children or adults and granting rule-making authority.

At its January 30, 2002 meeting, the Joint Legislative Council voted to introduce five pieces of legislation recommended by the Special Committee, consisting of two joint resolutions and two bills on the subject of state-tribal relations and one bill on the subject of the labeling of wild rice sold in Wisconsin. The pieces of legislative legislation introduced by the Joint Legislative Council were as follows:

- 2001 Assembly Joint Resolution 90, relating to a policy of executive branch consultation with tribal governments.
- 2001 Assembly Joint Resolution 92, relating to state recognition of the sovereign status of federally recognized American Indian tribes and bands.
- 2001 Assembly Bill 771, relating to creation of the Wisconsin tribal-state council and making an appropriation.
- 2001 Assembly Bill 772, relating to preparation of tribal impact statements for bills that would have an impact on tribal governments or American Indians.
- 2001 Assembly Bill 773, relating to representations made regarding wild rice sold or offered for sale in this state, granting rule-making authority, and providing a penalty.

### **Actions of the Legislature**

None of the bills introduced by the Joint Legislative Council on the recommendation of the Special Committee was enacted into law during the 2001-02 Legislative Session, and neither of the joint resolutions was adopted.

The four proposals relating to communications between state government and tribal governments (2001 Assembly Joint Resolutions 90 and 91 and 2001 Assembly Bills 771 and 772) were introduced very late in the 2001-02 Legislative Session. They were introduced on February 5, 2002; the regular session was adjourned on March 26, 2002. The Assembly Committee on Government Operations held a public hearing on all four proposals on February 27, 2002. No further action was taken after that date.

Senator Gary George, Vice Chair of the Special Committee, introduced companions to these proposals, that is, Senate joint resolutions and bills that were identical to the Assembly joint resolutions and bills that the Joint Legislative Council introduced at the Special Committee's recommendation. Specifically, these were 2001 Senate Joint Resolution 60 (a companion to Assembly Joint Resolution 90), 2001 Senate Joint Resolution 61 (a companion to Assembly Joint Resolution 91), 2001 Senate Bill 466 (a companion to Assembly Bill 771), and 2001 Senate Bill 467 (a companion to Assembly Bill 772). Like the Assembly proposals, these proposals were introduced very late in the legislative session. They did not receive public hearings or other action.

During a special session called to review the state budget, the Senate incorporated the provision of Assembly Bill 771, creating a Wisconsin tribal-state council, into its version of January 2002 Special Session Assembly Bill 1, the 2001-03 Budget Reform Bill. The Assembly did not concur in this action. The Conference Committee later removed the provision from the bill.

2001 Assembly Bill 773, regarding the labeling of wild rice, was also introduced on February 5, 2002, less than two months before the end of the regular legislative session. It was passed by the Assembly on a voice vote but failed to receive a public hearing in the Senate committee, and so was not concurred in by the Senate and ultimately failed to pass.



## **USE OF PRESCRIPTION DRUGS FOR CHILDREN**

[A summary of the Special Committee's meetings, materials, and membership, as well as the final report for the Special Committee, are available at <http://www.legis.state.wi.us/lc/studies/DRUG/index.htm>.]

### **Summary of Committee Activity**

The Joint Legislative Council established the Special Committee and co-chairs by a June 13, 2000 mail ballot and appointed the members by an October 12, 2000 mail ballot. The Special Committee was directed to study issues surrounding the use of prescription drugs to modify children's behavior, including the safety, efficacy, and appropriateness of the use of those drugs and determine whether such drugs are safely and appropriately prescribed and labeled.

The membership of the Special Committee consisted of 1 Senator, 5 Representatives, and 14 Public Members. A list of the committee membership can be found in the *Appendix* to this report.

The committee held six meetings in Madison on the following dates:

November 16, 2000	March 2, 2001
December 19, 2000	April 17, 2001
January 23, 2001	May 22, 2001

### **Actions of the Joint Legislative Council**

At its meeting on June 27, 2001, the Joint Legislative Council voted to introduce one bill recommended by the Special Committee:

- 2001 Assembly Bill 672, relating to requiring physicians to provide certain information when issuing prescription orders to treat children with attention deficit hyperactivity disorder.

### **Actions of the Legislature**

2001 Assembly Bill 672 failed to be enacted during the 2001-02 Legislative Session.



## APPENDIX

### COMMITTEE MEMBERSHIP LISTS



## ARTS FUNDING

### Co-Chair

RICHARD GROBSCHMIDT  
Senator  
912 Lake Drive  
South Milwaukee, WI 53172-1736

### Co-Chair

GREGG UNDERHEIM  
Representative  
1652 Beech Street  
Oshkosh, WI 54901-2808

## REPRESENTATIVES

JON RICHARDS  
1823 North Oakland Avenue  
Milwaukee, WI 53202-1725

SCOTT SUDER  
302 South 1st Avenue  
Abbotsford, WI 54405-9718

## PUBLIC MEMBERS

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201 W. Washington Ave., Ste. 500  
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Executive Director, WI Assembly  
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JOI A. BROWN  
Executive Director, Oshkosh Opera  
House Foundation  
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JAMES S. O'CONNELL, JR.  
Executive Director, Wausau Area  
Performing Arts Foundation, Inc.  
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KAREN SPAHN  
Program/Development Officer  
Milwaukee Foundation  
4335 North Alpine Avenue  
Milwaukee, WI 53211-1412

**STUDY ASSIGNMENT:** The committee is directed to study state arts funding. The committee will solicit information and develop summaries of funding recommendations made by the arts communities and local governments. The Special Committee shall report its recommendations to the Joint Legislative Council by January 1, 2001.

Established by a May 18, 2000 mail ballot; co-chairs appointed by a June 13, 2000 mail ballot; and members appointed by an August 14, 2000 mail ballot.

14 MEMBERS: 1 Senator; 3 Representatives; and 10 Public Members.

**LEGISLATIVE COUNCIL STAFF:** Pam Shannon, Senior Staff Attorney; Gordon A. Anderson, Senior Staff Attorney; and Tracey Uselman, Support Staff.

## CONDOMINIUM LAW REVIEW

### Co-Chair

JON ERPENBACH  
Senator  
2385 Branch Street  
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### Co-Chair

TOM SYKORA  
Representative  
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### SENATOR

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### REPRESENTATIVES

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TERRY MUSSER  
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### PUBLIC MEMBERS

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Member of the Board and Past President  
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Elkhorn, WI 53121-0260

**STUDY ASSIGNMENT:** The committee is directed to study ways to protect the investments of current and future condominium unit owners and ways to facilitate the appropriate development of the condominium form of property ownership. The committee is directed to review all aspects of condominium law, including: the development and establishment of condominiums; the governance of condominium associations, including the establishment of an annual budget and maintenance of reserve funds; the ownership and sale of condominiums; and rental of condominiums. The committee shall also study ways to address concerns of local units of government in which condominiums are located. The Special Committee shall report its recommendations to the Joint Legislative Council by January 1, 2001.

Established by a May 18, 2000 mail ballot; co-chairs appointed by a June 13, 2000 mail ballot; and members appointed by an August 14, 2000 mail ballot.

16 MEMBERS: 2 Senators; 4 Representatives; and 10 Public Members.

**LEGISLATIVE COUNCIL STAFF:** Don Dyke, Senior Staff Attorney; Shaun Haas, Senior Staff Attorney; and Wendy Ulrich, Support Staff.

## DENTAL CARE ACCESS

### Co-Chair

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18775 Dewey Street  
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### Co-Chair

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TAMMY L. FILIPIAK  
Northcentral Technical College  
473 Locker Road  
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**STUDY ASSIGNMENT:** The committee shall examine ways to increase access to dental care by underserved populations in Wisconsin, particularly those enrolled in Medical Assistance (MA) and BadgerCare. The committee should: examine the sufficiency of the number of dental care professionals in Wisconsin and the location of their practices; the number of MA, BadgerCare and other low-income persons they serve; ways to increase dental services being provided to underserved populations in Wisconsin; and reimbursement and administrative issues surrounding the provision of dental services under the MA and BadgerCare programs. The Special Committee shall report its recommendations to the Joint Legislative Council by January 1, 2001.

Established by a May 18, 2000 mail ballot; co-chairs appointed by a June 13, 2000 mail ballot; and members appointed by an August 14, 2000 mail ballot. 21 MEMBERS: 3 Senators; 5 Representatives; and 13 Public Members.

**LEGISLATIVE COUNCIL STAFF:** Laura Rose, Senior Staff Attorney; Richard Sweet, Senior Staff Attorney; and Rachel Veum, Support Staff.

## DEVELOPMENTAL DISABILITIES

### Co-Chair

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Senator  
2411 East Ridge Road  
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### Co-Chair

STEVEN FOTI  
Representative  
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### SENATOR

CAROL A. ROESSLER  
1506 Jackson Street  
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### REPRESENTATIVE

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JAYN WITTENMYER  
Board Member  
The Arc-Wisconsin, Inc.  
2614 Lunde Lane  
Mt Horeb, WI 53572-2442

**STUDY ASSIGNMENT:** The committee is directed to review funding issues, staffing concerns and ways to streamline the bureaucracy that provides services to people with developmental disabilities. The study will focus on providing opportunities for persons with developmental disabilities to live independently. The committee shall review the implications of the Olmstead decision. The Special Committee shall report its recommendations to the Joint Legislative Council by January 1, 2001.

Established and co-chairs appointed by a June 13, 2000 mail ballot; and members appointed by an August 14, 2000 mail ballot.

13 MEMBERS: 2 Senators; 2 Representatives; and 9 Public Members.

**LEGISLATIVE COUNCIL STAFF:** Rachel Letzing, Staff Attorney; Laura Rose, Senior Staff Attorney; and Rachel Veum, Support Staff.



## GUARDIANS AD LITEM IN ACTIONS AFFECTING THE FAMILY

### Co-Chair

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2614 17th Street  
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### Co-Chair

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ERICA SERLIN  
Child Psychologist, Family Therapy  
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700 Rayovac Drive  
Madison, WI 53711-2479

**STUDY ASSIGNMENT:** The committee is directed to study the guardian ad litem system as it applies to actions affecting the family, including an examination of the appointment, role, supervision, training and compensation of guardians ad litem. The review of the appointment of guardians ad litem shall include the necessity of appointment in contested custody or placement cases and whether professionals with specialized expertise in the emotional and developmental phases and needs of children should be appointed to act as guardians ad litem. The committee shall prepare a report of any recommended legislation and shall petition the Wisconsin Supreme Court to consider rules for the reform of the guardian ad litem system in actions affecting the family based on the Committee's recommendations that are more appropriate for supreme court rules. The Special Committee shall report its recommendations to the Joint Legislative Council by January 1, 2001.

Established by a May 18, 2000 mail ballot; co-chairs appointed by a June 13, 2000 mail ballot; and members appointed by an August 14, 2000 mail ballot.

19 MEMBERS: 4 Senators; 3 Representatives; and 12 Public Members.

**LEGISLATIVE COUNCIL STAFF:** Anne Sappenfield, Senior Staff Attorney; Pam Shannon, Senior Staff Attorney; and Julie Learned, Support Staff.

<sup>(1)</sup> Appointed as a Public Member of the Special Committee by an October 12, 2000 mail ballot.

## LABOR SHORTAGE

### Co-Chair

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Senator  
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Development Board  
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LOLA ROEH  
General Manager  
Osthoff Resort  
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STUDY ASSIGNMENT: The committee shall: (1) study the labor shortage in Wisconsin, including strategies to eliminate shortages in critical industries and occupations; (2) review the so-called "brain drain" problem and identify ways that Wisconsin can retain college and university graduates as well as recruit workers from other states; and (3) examine the skilled building trades for barriers to minorities entering those trades, the methods by which schools train students for those trades and ways to expand trades-related apprenticeship training opportunities. The Special Committee shall report its recommendations to the Joint Legislative Council by January 1, 2001.

Established by a May 18, 2000 mail ballot; co-chairs appointed by a June 13, 2000 mail ballot and members appointed by an October 12, 2000 mail ballot.

31 MEMBERS: 3 Senators; 3 Representatives; and 25 Public Members.

LEGISLATIVE COUNCIL STAFF: Robert Conlin, Senior Staff Attorney; Nicholas Zavos, Staff Attorney; and Rachel Veum, Support Staff.

## LAW REVISION COMMITTEE

### Co-Chair

MARK MEYER  
Senator  
1623 Sunset Drive  
La Crosse, WI 54601

### Co-Chair

GLENN GROTHMAN  
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111 South 6<sup>th</sup> Avenue  
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SCOTT SUDER  
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MARK GUNDRUM  
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**STUDY ASSIGNMENT:** The committee is directed, pursuant to s. 13.83 (1), Stats., to (a) review remedial legislation based on nonsubstantive changes recommended by agencies; (b) review court decisions and opinions of the Attorney General which state that a statute is unconstitutional, ambiguous or otherwise in need of revision; (c) review Revisor's correction bills; (d) review suggestions for major codifications and revisions of the statutes; (e) cooperate with the Revisor of Statutes in identifying statutory provisions in need of revision; and (f) perform functions related to interstate compacts and agreements.

Established biennially, pursuant to s. 13.83 (1), Stats. Members appointed by a May 16, 2001 mail ballot.

8 MEMBERS: 4 Senators; and 4 Representatives.

**LEGISLATIVE COUNCIL STAFF:** Rachel Letzing, Staff Attorney; Nicholas Zavos, Staff Attorney; and Rachel Veum, Support Staff.

## NAVIGABLE WATERS RECODIFICATION

### Co-Chair

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### Co-Chair

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President, Dittmar Realty  
P.O. Box 1297  
Menomonee Falls, WI 53052-1297

STUDY ASSIGNMENT: The committee will conduct a recodification and review of ch. 30, Stats. The recodification is to update language and make technical corrections to the chapter. The committee may advise the Council of any substantive policy questions requiring further review. The Special Committee shall report its recommendations to the Joint Legislative Council by January 1, 2001.

Established and co-chairs appointed by a June 13, 2000 mail ballot; members appointed by an August 14, 2000 mail ballot.

16 MEMBERS: 2 Senators; 5 Representatives; and 9 Public Members.

LEGISLATIVE COUNCIL STAFF: Mark Patronsky, Senior Staff Attorney; Rachel Letzing, Staff Attorney; and Kelly Mautz, Support Staff.

**RECODIFICATION OF OPERATING WHILE INTOXICATED AND  
SAFETY LAWS PERTAINING TO MOTOR VEHICLE, ALL-TERRAIN VEHICLE, BOAT OR  
SNOWMOBILE OPERATION**

**Co-Chair**

BRIAN BURKE  
Senator  
2029 North 51st Street  
Milwaukee, WI 53208-1747

**Co-Chair**

STEPHEN J. FREESE  
Representative  
310 East North Street  
Dodgeville, WI 53533-1200

**SENATOR**

JOANNE HUELSMAN  
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**REPRESENTATIVES**

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GREGORY HUBER  
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ANTHONY STASKUNAS  
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1881  
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STUDY ASSIGNMENT: The committee is directed to study current statutes relating to operating a vehicle while under the influence of an intoxicant or drugs. The committee is to reorganize, simplify, modernize and clarify these statutes and make minor substantive changes necessary to effect these goals. In addition, the committee is directed to study, with respect to an all-terrain vehicle, a boat or a snowmobile, whether enforcement mechanisms need to be increased or created to ensure compliance with the law. The Special Committee shall report its recommendations to the Joint Legislative Council by January 1, 2001.

Established by a May 18, 2000 mail ballot; co-chairs appointed by a June 13, 2000 mail ballot; and members appointed by an August 14, 2000 mail ballot.

19 MEMBERS: 2 Senators; 7 Representatives; and 10 Public Members.

LEGISLATIVE COUNCIL STAFF: Ron Sklansky, Senior Staff Attorney; Don Salm, Senior Staff Attorney; and Julie Learned, Support Staff.

## STATE-TRIBAL RELATIONS

### Chair

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W13550 Murray Road  
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9888 W. Chippewa Flowage Road  
Couderay, WI 54828

PAUL NINHAM  
Oneida Tribe of Indians of WI  
P.O. Box 365  
Oneida, WI 54155-0365

CAROL BROWN BIERMEIER <sup>(3)</sup>  
Lac du Flambeau Band of Lake  
Superior Chippewa  
Brown & La Counte  
22 East Mifflin St., Suite 300  
Madison, WI 53703-4243

PHILIP C. GORDON  
Red Cliff Band of Lake Superior  
Chippewa  
Route 1, Box 88E  
Bayfield, WI 54814-9721

MYRNA THOMPSON  
Ho-Chunk Nation  
P.O. Box 667  
Black River Falls, WI 54615-0667

EUGENE BIGBOY  
Bad River Band of Lake  
Superior Tribe of Chippewa Indians  
P.O. Box 39  
Odanah, WI 54861-0039

THERESA PUSKARENKO <sup>(3)</sup>  
Stockbridge-Munsee Band of  
Mohicans  
W15227 Bierman Road  
Bowler, WI 54416-9231

STUDY ASSIGNMENT: The committee is directed to study issues relating to American Indians and the American Indian tribes and bands in this state and develop specific recommendations and legislative proposals relating to these issues.

Established biennially, pursuant to s. 13.83 (3), Stats. Chair appointed by a June 13, 2000 mail ballot; members appointed by an August 31, 2000 mail ballot.

17 MEMBERS: 2 Senators; 7 Representatives; and 8 Public Members.

LEGISLATIVE COUNCIL STAFF: David Lovell, Senior Analyst, Joyce Kiel, Senior Staff Attorney; and Tracey Uselman, Support Staff.

(1) Appointed as Vice Chair of the Special Committee by an October 12, 2000 mail ballot.

(2) Appointed as a Legislative Member of the Special Committee by a November 9, 2000 mail ballot.

(3) Appointed as a Public Member of the Special Committee by a November 9, 2000 mail ballot.

(4) Appointed to fill the vacancy created by the resignation of Margaret Diamond on December 15, 2000.

(5) Appointed as a Legislative Member of the Special Committee by a January 25, 2001 mail ballot.

(6) Rep. James Kreuser resigned from the Special Committee on August 3, 2001.

(7) Rep. Joan Wade resigned from the Legislature on September 1, 2001.

(8) Public Member Royal Warrington, Menominee Indian Tribe of Wisconsin, died on September 23, 2001.

## STATE-TRIBAL RELATIONS

### Technical Advisory Committee

JOHN GREENE

**Department of Justice**

Assistant Attorney General  
123 West Washington Avenue  
Madison 53702-0009

EUGENE JOHNSON

**Department of Transportation**

Director, Office of Disadvantaged  
Business Enterprise Programs  
4802 Sheboygan Avenue, Room 451  
Madison 53702-0002

J.P. LEARY

**Department of Public Instruction**

American Indian Studies Consultant  
125 South Webster Street  
Madison 53702-0008

MICHAEL LUTZ

**Department of Natural Resources**

Attorney, Bureau of Legal Services  
101 South Webster Street, LS/5  
Madison 53702-0005

RACHELLE MILLER

**Department of Workforce Development**

Tribal Services Coordinator  
201 East Washington Avenue, Room E200  
Madison 53707-7935

TOM OURADA

**Department of Revenue**

Executive Assistant  
2135 Rimrock Road #624A  
Madison 53713-1443

NANCIE YOUNG

**Department of Health and Family  
Services**

Manager, Tribal Affairs Unit  
Office of Strategic Finance  
One West Wilson Street, Room 618  
Madison 53702-0007

**ASSIGNMENT:** Established pursuant to s. 13.83 (3) (f), Stats., to assist the Special Committee on State-Tribal Relations in performing its statutory functions.

**7 MEMBERS:** One representative designated by the following Departments: Health and Family Services; Justice; Natural Resources; Public Instruction; Revenue; Transportation; and Workforce Development.



## USE OF PRESCRIPTION DRUGS FOR CHILDREN

### Co-Chair

ROGER BRESKE  
Senator  
8800 State Highway 29  
Eland, WI 54427

### Co-Chair

GLENN GROTHMAN  
Representative  
111 South 6th Avenue  
West Bend, WI 53095-3308

### REPRESENTATIVES

TERRI MC CORMICK <sup>(1)</sup>  
3328 Parkridge Avenue  
Appleton, WI 54914-1025

SHELDON WASSERMAN  
3487 North Lake Drive  
Milwaukee, WI 53211-2919

ANNETTE WILLIAMS  
3927 North 16<sup>th</sup> Street  
Milwaukee, WI 53206-2918

GREGG UNDERHEIM  
1652 Beech Street  
Oshkosh, WI 54901-2808

### PUBLIC MEMBERS

MATT AUGUSTINE  
Parent; Grandparent  
4306 31<sup>st</sup> Avenue  
Kenosha, WI 53144-1913

KATHLEEN A. HAYES  
Social Worker  
936 Hillcrest Drive  
Horicon, WI 53032-1502

JUDITH BRADSHAW-ROUSE  
Parent; Information & Referral  
Coord., WI Family Ties  
3613 Odana Road  
Madison, WI 53711-1737

CLARENCE P. CHOU  
Medical Director  
Child-Adolescent Treatment Center/  
Wrap Around Milwaukee  
9501 Watertown Plank Road  
Wauwatosa, WI 53226-3598

ELIZABETH G. KOENINGS HEIGL  
Dir. Of Development & Curriculum  
Marva Collins Preparatory School of WI  
1410 North Cass Street  
Milwaukee, WI 53202-2764

HELEN SCHAAL  
Teacher  
Green Bay Education Assn.  
2256 Main Street  
Green Bay, WI 54311-5330

MICHAEL D. DEAN  
Attorney, Dean & McKoy, S.C.  
20975 Swenson Dr., #215  
Waukesha, WI 53186-4065

JAMES LARSON  
Administrator, Director of Special  
Education, CESA #9  
AV 11070 Old Highway 51  
Arbor Vitae, WI 54568

BRIAN SEEFELDT  
Pharmacist  
P.O. Box 363  
Wittenburg, WI 54499-0363

AARON FRIEDMAN  
Chair, Dept. of Pediatric Medicine  
UW-Madison, Clinical Science Center  
600 Highland Avenue  
Madison, WI 53792-3284

ANDREW PAULSON  
Child Psychologist  
14 Ellis Potter Court  
Madison, WI 53711-2478

BRENDA WARD  
Director, School Social Workers  
Milwaukee Public School District  
5645 North 86<sup>th</sup> Place  
Milwaukee, WI 53225-2804

JEANNIE GOEDEN  
Kewaskum School Board Member  
P.O. Box 660, 2478 Highway 28E  
Kewaskum, WI 53040-0660

SUZANNE BALISTRERI-RODEN  
Parent, Physical Therapist  
1787 Knob Road  
Burlington, WI 53105-8603

STUDY ASSIGNMENT: The committee shall study issues surrounding the use of prescription drugs to modify children's behavior, including the safety, efficacy and appropriateness of the use of those drugs and determine whether such drugs are safely and appropriately prescribed and labeled. The Special Committee shall report its recommendations to the Joint Legislative Council by January 1, 2001.

Established and co-chairs appointed by a June 13, 2000 mail ballot; members appointed by an October 12, 2000 mail ballot.

20 MEMBERS: 1 Senator; 5 Representatives; and 14 Public Members.

LEGISLATIVE COUNCIL STAFF: Mary Matthias, Senior Staff Attorney; Russ Whitesel, Senior Staff Attorney; and Kelly Mautz, Support Staff.

(1) Formerly a Public Member of the Special Committee; became a member of the 2001 Wisconsin Assembly on January 3, 2001.